

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PLEXXIKON INC.,

Plaintiff,

v.

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

Case No. [17-cv-04405-HSG](#)

**ORDER REGARDING VERDICT
FORM AND EXPERT REPORTS**

Having reviewed the parties' proposed verdict forms, Dkt. Nos. 458, 461, the Court finds that a special verdict form that breaks down each invalidity theory is appropriate under the circumstances, and is consistent with the Federal Circuit's guidance. *See, e.g., Wyers v. Master Lock Co.*, 616 F.3d 1231, 1248 (Fed. Cir. 2010) (Linn, L., concurring) (listing cases); *Railroad Dynamics, Inc. v. A. Stucki Co.*, 727 F.2d 1984, 1517 (Fed. Cir. 1984) ("[D]etailed fact interrogatories . . . [are] strongly recommended as an appropriate means of guiding a jury, increasing the reliability of its verdict, and facilitating the judicial role following a jury trial."). As to findings on damages, the Court intends to ask the jury to determine what sum of money would fairly and reasonably compensate Plaintiff for the infringement *to date* (as Plaintiff proposes at Dkt. No. 461 at 4). With this guidance, the parties are **DIRECTED** to meet and confer to determine whether they can reach agreement on the special verdict form. The parties shall submit any revised proposed verdict form by July 6, 2021, at 12:00 P.M. PDT.

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1 The Court further **DIRECTS** the parties to meet and confer and lodge one set of complete
2 and unredacted copies of all expert reports via email (with all counsel cc'd) to
3 HSGpo@cand.uscourts.gov by July 6, 2021, at 12:00 P.M. PDT.

4 **IT IS SO ORDERED.**

5 Dated: 7/2/2021

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7 HAYWOOD S. GILLIAM, JR.
8 United States District Judge
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